

07-11-01

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Patent

Attorney's Docket No. 004973-078

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

Box PATENT APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a [] continuation [x] divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/098,628 filed on June 16, 1998, for HUMAN BASIC FIBROBLAST GROWTH FACTOR ANALOG, by the following named inventor(s):

(a) Full Name John C. Fiddes(b) Full Name Judith A. Abraham(c) Full Name Andrew Protter

[] Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

[X] The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

[] This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

(a) Full Name _____

(b) Full Name _____

(c) Full Name _____

**21839**

(03/01)



09/098,628

- [] This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name _____
(b) Full Name _____
(c) Full Name _____

- [X] Applicant(s) suggests Figure 3 for inclusion on the front page of the patent application publication and/or patent.
1. [X] Enclosed is a copy of the prior Application No. 09/098,628 as originally filed on June 16, 1998, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. [] Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. [] Small entity status is hereby claimed.
4. [X] The filing fee is calculated below [] and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$710.00 (101)
Total Claims	24	MINUS 20 =	4	× \$18.00 (103) =	72
Independent Claims	2	MINUS 3 =	0	× \$80.00 (102) =	0
If multiple dependent claims are presented, add \$270.00 (104)					
Total Application Fee					
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$_ if Assignment document is enclosed					
TOTAL APPLICATION FEE DUE					782.00
* FEE NOT INCLUDED					

5. [] Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.



21839

6. ☐ A check in the amount of \$ _____ is enclosed for the fee due.
7. ☐ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
8. ☒ Cancel in this application original claims 8-11 and 29-32 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
9. ☐ New drawings are enclosed.
10. ☐ Priority of Application No. _ filed on _ in _ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
- ☐ is enclosed.
- ☐ was filed on _ in prior Application No. _, filed on _, and acknowledged by the Examiner on _ in Paper No. _.
- ☐ has not yet been filed.
11. ☒ Please amend the specification by inserting in the first sentence after "This is":
- ☐ a ☐ continuation ☒ divisional of Application No. 09/098,628, filed on June 16, 1998, which is a divisional application of U.S. application No. 07/459,739, filed February 12, 1990, now U.S. Patent No. 5,859,208, which is --.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. _, filed on _, which was a national stage filing under 35 U.S.C. § 371 of International Application No. _ filed on _, which International Application ☐ was ☐ was not published by the International Bureau in English on _--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. _, filed on _, which was a continuation of International Application No. _, filed on _, which International Application ☐ was ☐ was not published by the International Bureau in English on _--.
12. ☐ A preliminary amendment is enclosed.
13. ☐ An Information Disclosure Statement is enclosed.
14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
15. ☒ Also enclosed Request for Transfer of Computer Readable Form.



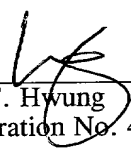
21839

16. [X] The power of attorney in the prior application is to R. Danny Huntington,
Reg. No. 27,903; Mary Ann Dillahunt, reg. No. 34, 576; and Ping F. Hwung,
Reg. No. 44,164.
- a. [] The power appears in the original papers in the prior application.
 - b. [X] Since the power does not appear in the original papers, a copy of the power
in the prior application is enclosed.
 - c. [] Recognize as Associate Attorney _.
 - d. [] Address all future communications to: (May only be completed by
applicant, or attorney or agent of record.)

R. Danny Huntington
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: July 9, 2001

By: _____


Ping F. Hwung
Registration No. 44,164

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(650)622-2300

- [] inventor(s)
- [] assignee of complete interest
- [x] attorney or agent of record
- [] filed under 37 C.F.R. § 1.34(a)



21839

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
)
John C. Fiddes, et al.) Group Art Unit: Unassigned
)
Application No.: Unassigned) Examiner: Unassigned
(Divisional of Ser. No. 09/098,628))
)
Filed: Herewith)
)
For: HUMAN BASIC FIBROBLAST)
GROWTH FACTOR ANALOG)



REQUEST FOR TRANSFER OF COMPUTER READABLE FORM

The Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. 1.821(e), please use the only computer readable form in the parent application, U.S. Patent Application Ser. No. 09/098,628, filed June 16, 1998, as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application.

A paper copy of the sequence listing is included as part of the specification filed herewith. The information recorded in the aforementioned computer readable form is identical to the information contained in this paper copy.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____

Ping F. Hwung
Registration No. 44,164
Attorney for Applicants
Redwood Shores, CA Office
(650)622-2300

P.O. Box 1404
Alexandria, Virginia 22313-1404
Date: July 9, 2001

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